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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Wayne Charles Bryan,

Defendant.

CR-08-0234-001-PHX-JAT

DEFENDANT'S MOTION TO CONTINUE TRIAL, TO EXTEND TIME TO FILE PRETRIAL MOTIONS AND TO VACATE STATUS CONFERENCE

(First Request)

Defendant Wayne Charles Bryan, by and through the undersigned, respectfully submits the Defendant's Motion to Continue Trial, to Extend Time to File Pretrial Motions and to Vacate Status Conference. Defendant requests that the Court enter an Order setting the date for trial sixty (60) days from the current date, which is May 6, 2008. Defendant further requests that the Court continue the date by when pretrial motions must be submitted sixty (60) days from the current date, which is April 11, 2007. The grounds for this request are that the government has not yet supplied the defendants with discovery. Also, this case is related to *United States v. Wayne Charles Bryan*, CR-00-0185-PHX-JAT, which is before the Court presently pursuant to a petition alleging a violation of supervised release. Decisions by the defendant on how to proceed will necessarily impact both cases.

Counsel also requests that the Court enter an order vacating the status conference set in this case for April 17, 2008, at 4:00 p.m. (Dkt. 6.)

The Assistant U. S. Attorney assigned to this case, James Knapp, is currently in trial and has not had a chance to respond to the undersigned concerning the government's position on the requested extensions of time.

It is expected that excludable delay pursuant to Title 18, United States Code, Section 3161(b)(1)(F) may occur as a result of this motion or from an order based thereon..

Respectfully submitted this 8th day of April, 2008.

s/ *David Eisenberg*
DAVID EISENBERG

I hereby certify that on April 8, 2008, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

James Knapp, Esq.
Special Assistant U. S. Attorney
Counsel for the United States of America

s/ *David Eisenberg*
David Eisenberg